

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

ACQIS LLC,

Plaintiff,

v.

INTERNATIONAL BUSINESS MACHINES  
CORP.,

Defendants.

Case No. 6:09-00148-LED  
**Jury Trial Demanded**

**JOINT MOTION FOR DISMISSAL WITH PREJUDICE  
OF INTERNATIONAL BUSINESS MACHINES CORP.**

Pursuant to Rule 41 of the Federal Rules of Civil Procedure, ACQIS LLC (“ACQIS”) and International Business Machines Corp. (“IBM”), through their respective undersigned counsel, hereby stipulate and agree that their respective actions against each other be, and hereby are, dismissed in their entirety with prejudice, each side to bear its own costs and expenses, including attorney fees, incurred in connection with the actions.

Dated: December 29, 2011

Respectfully submitted,

/s/ James P. Brogan

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**CERTIFICATE OF SERVICE**

The undersigned certifies that the foregoing document was filed electronically in compliance with Local Rule CV-5(a). As such, this **JOINT MOTION FOR DISMISSAL WITH PREJUDICE OF IBM** was served on all counsel who are deemed to have consented to electronic service. Local Rule CV-5(a)(3)(A). Pursuant to Fed. R. Civ. P. 5(d) and Local Rule CV-5(e), all other counsel of record not deemed to have consented to electronic service were served with a true and correct copy of the foregoing by facsimile and/or U.S. First Class Mail on December 29, 2011.

/s/ James P. Brogan \_\_\_\_\_

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